

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

DENNIS E. HECKER

Case No. 09-50779-RJK

Debtor.

Chapter 7

RANDALL L. SEAVER,

ADV Pro. No. 09-05042

Plaintiff,

vs.

JACOB HOLDINGS OF VENTANAS, LLC,
JACOB PROPERTIES OF MINNESOTA, LLC,
WELLS FARGO BANK, CORNERSTONE
BANK, AND CHRYSLER FINANCIAL
SERVICES AMERICAS, LLC,

Defendants.

**NOTICE OF HEARING AND MOTION FOR AN ORDER STAYING THIS
ADVERSARY PROCEEDING UNTIL THE CONCLUSION OF GRAND
JURY PROCEEDINGS AND/OR ANY INDICTMENTS THE GRAND
JURY ISSUES**

**TO: Plaintiff Randall L. Seaver, Trustee, and his attorney Matthew R.
Burton of Leonard, O'Brien, Spencer, Gayle & Sayre, Ltd., 100 South
Fifth Street, Suite 2500, Minneapolis, MN 55402**

1. Defendant Dennis E. Hecker ("Hecker"), an interested party in one or more of the above named Defendants, by and through his undersigned counsel, moves for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on these motions at 10:30 a.m., on October 21, 2009, in Courtroom 8 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Robert J. Kressel.

3. Any response to this motion must be filed and delivered not later than October 16, 2009 which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 14, 2009, which is seven days before the time set for the hearing.

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005, 7007 and 9013 and Local Rules 7007-1 and 9013-1 *et seq.*

5. These motions arise under 11 U.S.C. §§ 523 and Fed. R. Bankr. P. 7007, 7026, 9013 and Local Rules 7007-1 and 9013-2. This motion is filed under Fed. R. Bankr. P. 7007, 7026, 9013, and 9014 and Local Rules 7007-1 and 9013-1 *et seq.* Defendant Hecker requests the relief specified below.

MOTION

6. Defendant Hecker moves this Court for an Order staying the above captioned Adversary Proceeding. Defendant Hecker makes this Motion because the United States Attorney for the District of Minnesota has convened a grand jury to determine if a criminal indictment should be issued arising out of, among other things, alleged unlawful conduct involving Chrysler Financial, the business operations of Hecker and various entities, and purported unlawful conduct of Hecker generally, all of which Hecker denies. In order to preserve the proper and

effective exercise of Defendant Hecker's rights under the U.S. Constitution, including, but not limited to, his right to invoke Fifth Amendment testimonial privileges, Defendant Hecker moves that this Court issue an Order staying this proceeding pending the termination of grand jury proceedings and any proceedings arising out of any indictment the grand jury issues.

7. This Motion will be based on the Defendant Hecker's Memorandum of Law in Support of the Motion, which will be filed in accordance with Local Rule 9006-1 (b).

8. The Court is authorized to grant this relief as an exercise of its equitable powers expressed in 11 U.S.C. § 105(a), Fed. R. Bankr. P. 7026 and by applicable federal case law.

Dated: October 7, 2009

SKOLNICK & SHIFF, P.A.

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